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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/816,242	03/23/2001	David A. Pechner	20852-05747

CONFIRMATION NO. 8738

00758
FENWICK & WEST LLP
TWO PALO ALTO SQUARE
PALO ALTO, CA 94306

FORMALITIES LETTER



OC000000006129970

Date Mailed: 05/30/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice **MUST** be returned with the reply.*

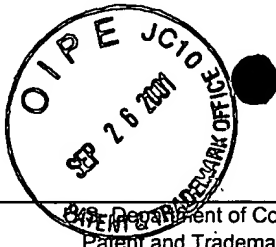
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09/28/2001 MBERHE 00000007 09816242

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65.00 0P



0002/PTO(modified)
Rev. 10/2000

U.S. Department of Commerce
Patent and Trademark Office

FEE TRANSMITTAL

TOTAL AMOUNT OF PAYMENT

Subtotal (1) + Subtotal (2) + Subtotal (3) = **(\$260)**

Complete if Known

Application Number	09/816,242
Filing Date	March 23, 2001
First Named Inventor	David A. Pechner
Group Art Unit	2633
Examiner Name	Unassigned
Attorney Docket Number	20852-05747

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to:

- ☐ Charge the indicated fees to the below mentioned deposit account.
- ☒ Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. †
- ☒ Applicant claims small entity status
See 37 CFR 1.27

Deposit Account Number: 19-2555

Deposit Account Name: FENWICK & WEST LLP

A Duplicate Copy of this authorization is attached

2. ☒ Payment Enclosed:

☒ Check ☐ Credit Card ☐ Other

FEE CALCULATION (fees effective 10/01/2000)

1. FILING FEE

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
101/\$710	201/\$355	Utility Filing	<input type="text"/>
106/\$320	206/\$160	Design Filing	<input type="text"/>
108/\$710	208/\$355	Reissue	<input type="text"/>
114/\$150	214/\$75	Provisional Filing	<input type="text"/>
SUBTOTAL (1)			(\$)-0-

2. CLAIMS

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description
103/\$18	203/\$9	Claims in excess of 20
102/\$80	202/\$40	Independent claims in excess of 3
104/\$270	204/\$135	Multiple dependent claim
109/\$80	209/\$40	Reissue independent claims over original patent
110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent

3. ADDITIONAL FEES

Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due
105/\$130	205/\$65	Surcharge - late filing fee or oath	65
127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	<input type="text"/>
147/\$2,520	147/\$2,520	For filing a request for reexamination	<input type="text"/>
115/\$110	215/\$55	Extension for response within first month†	<input type="text"/>
116/\$390	216/\$195	Extension for response within second month†	195
117/\$890	217/\$445	Extension for response within third month†	<input type="text"/>
118/\$1,390	218/\$695	Extension for response within fourth month†	<input type="text"/>
128/\$1,890	228/\$945	Extension for response within fifth month†	<input type="text"/>
119/\$310	219/\$155	Notice of Appeal	<input type="text"/>
141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application	<input type="text"/>
142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)	<input type="text"/>
143/\$440	243/\$220	Design Issue Fee	<input type="text"/>
122/\$130	122/\$130	Petitions to the Commissioner	<input type="text"/>
126/\$180	126/\$180	Submission of Information Disclosure Statement	<input type="text"/>
179/\$710	279/\$355	Request for Continued Examination (RCE)	<input type="text"/>
581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	<input type="text"/>
146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))	<input type="text"/>
149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))	<input type="text"/>
Other fee (specify):			<input type="text"/>
Other fee (specify):			<input type="text"/>
SUBTOTAL (3)			(\$260)

(Col. 1)		(Col. 2)		(Col. 3)		Fee	Fee Due
For	No. of Existing Claims	minus*	Highest No. Previously Paid For	=	Extra**		
TOTAL		minus*	20 or 0	=		x	-0-
INDEP		minus*	3 or 0	=		x	-0-
[] First presentation of multiple dependent claim							-0-

* Subtract the greater number of Col. 2

** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

SUBTOTAL (2) **(\$)-0-**

SUBMITTED BY

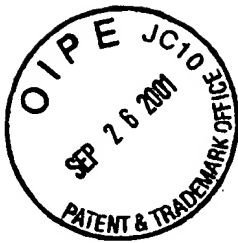
Typed or Printed Name: **Michael W. Farn**

Signature:

Complete (if applicable)

Reg. Number: **41,015**

Date: **September 20, 2001**



PATENT

#5

IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPLICANT(S): David A. Pechner, Laurence J. Newell and Mark D. Konezny
APPLICATION NO.: 09/816,242
FILING DATE: March 23, 2001
TITLE: Through-timing of data transmitted across an optical communications system utilizing frequency division multiplexing
EXAMINER: Unassigned
GROUP ART UNIT: 2633
ATTY. DKT. NO.: 20852-05747

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner For Patents, Washington, D.C. 20231, on the date shown below:

Dated: September 20, 2001

By: Michael W. Farn
Michael W. Farn, Reg. No. 41,015

BOX MISSING PARTS
COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING
PARTS OF APPLICATION

SIR:

Responsive to the Notice to File Missing Parts dated May 30, 2001, received in the above-identified patent application,

☒ Enclosed are:

- ☒ a copy of the Notice to File Missing Parts;
- ☒ an original, signed Declaration;
- ☒ an original, signed Power of Attorney;
- ☒ an Application Data Sheet;
- ☒ payment in the amount of \$260 for the

- ☐ application filing fee;
- ☐ fee for additional claims;
- ☒ missing parts surcharge and
- ☒ fee for two months extension of time.

☐ Other

- ☒ Applicant claims small entity status under 37 C.F.R. § 1.27.

Respectfully submitted,
DAVID A. PECHNER et al.

Dated: September 20, 2001

By: 

Michael W. Farn, Reg. No. 41,015
FENWICK & WEST LLP
Two Palo Alto Square
Palo Alto, CA 94306
Tel: (650) 858-7823
Fax: (650) 494-1417